

Office of the Secretary, Commerce

§ 25.1

(b) The grantee's obligation to return any funds due as a result of later refunds, corrections, or other transactions;

(c) Records retention as required in § 24.42;

(d) Property management requirements in §§ 24.31 and 24.32; and

(e) Audit requirements in § 24.26.

§ 24.52 Collection of amounts due.

(a) Any funds paid to a grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the award constitute a debt to the Federal Government. If not paid within a reasonable period after demand, the Federal agency may reduce the debt by:

(1) Making an administrative offset against other requests for reimbursements,

(2) Withholding advance payments otherwise due to the grantee, or

(3) Other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, the Federal agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Chapter II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

Subpart E—Entitlements [Reserved]

PART 25—PROGRAM

FRAUD CIVIL REMEDIES

Sec.

25.1 Basis and purpose.

25.2 Definitions.

25.3 Basis for civil penalties and assessments.

25.4 Investigation.

25.5 Review by the reviewing official.

25.6 Prerequisites for issuing a complaint.

25.7 Complaint.

25.8 Service of complaint.

25.9 Answer.

25.10 Default upon failure to file an answer.

25.11 Referral of complaint and answer to the ALJ.

25.12 Notice of hearing.

25.13 Parties to the hearing.

25.14 Separation of functions.

25.15 Ex parte contacts.

25.16 Disqualification of reviewing official or ALJ.

25.17 Rights of parties.

25.18 Authority of the ALJ.

25.19 Prehearing conferences.

25.20 Disclosure of documents.

25.21 Discovery.

25.22 Exchange of witness lists, statements, and exhibits.

25.23 Subpoena for attendance at hearing.

25.24 Protective order.

25.25 Fees.

25.26 Form, filing and service of papers.

25.27 Computation of time.

25.28 Motions.

25.29 Sanctions.

25.30 The hearing and burden of proof.

25.31 Determining the amount of penalties and assessments.

25.32 Location of hearing.

25.33 Witnesses.

25.34 Evidence.

25.35 The record.

25.36 Post-hearing briefs.

25.37 Initial decision.

25.38 Reconsideration of initial decision.

25.39 Appeal to authority head.

25.40 Stays ordered by the Department of Justice.

25.41 Stay pending appeal.

25.42 Judicial review.

25.43 Collection of civil penalties and assessments.

25.44 Right to administrative offset.

25.45 Deposit in Treasury of United States.

25.46 Compromise or settlement.

25.47 Limitations.

AUTHORITY: Secs. 6101–6104, Pub. L. 99–509, 100 Stat. 1874 (31 U.S.C. 3801–3812); Sec. 4, as amended, and sec. 5, Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–134, 110 Stat. 1321, 28 U.S.C. 2461 note.

SOURCE: 55 FR 47854, Nov. 16, 1990, unless otherwise noted.

FRAUD CIVIL REMEDIES

§ 25.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Public Law 99–509, section 6101–6104, 100 Stat. 1874 (October 21, 1986), to be codified at 31 U.S.C. 3801–3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part (1) establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and (2)